

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

SEP 17 2021

MITCHELL R. ELFERS
CLERK



Tatyana Evgenievna Drevaleva

Plaintiff

Case No. 1:21-cv-00761-WJ-JFR

v.

- 1) The U.S. Department of Veterans Affairs
- 2) Mr. Denis Richard McDonough as a Secretary of
the U.S. Department of Veterans Affairs

Defendants

**A SEPARATE BRIEF WITH THE CITATIONS OF AUTHORITIES IN SUPPORT TO
MY REPLY TO LYMAN'S CRIMINAL, FRIVOLOUS, AND MALICIOUS
OPPOSITION TO MY FIRST MOTION TO DISQUALIFY ASSISTANT U.S.
ATTORNEY MS. CHRISTINE LYMAN FROM FALSELY REPRESENTING
DEFENDANTS THE U.S. DEPARTMENT OF VETERANS AFFAIRS AND MR. DENIS
McDONOUGH IN THE LAWSUIT**

No. 1:21-cv-00761-WJ-JFR,

The Civil Local Rules of the U.S. District Court for the District of New Mexico, Rule 7.3(a);

MEMORANDUM OF POINTS AND AUTHORITIES.

MEMORANDUM OF POINTS AND AUTHORITIES.

Part 1. 28 CFR § 0.50 - General functions.

The following functions are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General, **Civil Rights Division**:

(a) **Enforcement of all Federal statutes affecting civil rights**, including those pertaining to elections and voting, public accommodations, public facilities, school desegregation, employment (including 42 U.S.C. 2000e-(6)), housing, abortion, sterilization, credit, and constitutional and civil rights of Indians arising under 25 U.S.C. 1301 et seq., and of institutionalized persons, and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government and appellate proceedings in all such cases. Notwithstanding the provisions of the foregoing sentence, the responsibility for the enforcement of the following described provisions of the U.S. Code is assigned to the Assistant Attorney General, Criminal Division:

(1) Sections 591 through 593 and sections 595 through 612 of title 18, U.S. Code, relating to elections and political activities;

(2) Sections 241, 242, and 594 of title 18, and sections 1973i and 1973j of title 42, U.S. Code, insofar as they relate to voting and election matters not involving discrimination or intimidation on grounds of race or color, and section 245(b)(1)

of title 18, U.S. Code, insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin;

(3) Section 245(b)(3) of title 18, U.S. Code, pertaining to forcible interference with persons engaged in business during a riot or civil disorder; and

(4) Sections 241 through 256 of title 2, U.S. Code (Federal Corrupt Practices Act).

(b) Requesting and reviewing investigations arising from reports or complaints of public officials or private citizens with respect to matters affecting civil rights.

(c) Conferring with individuals and groups who call upon the Department in connection with civil rights matters, advising such individuals and groups thereon, and initiating action appropriate thereto.

(d) Coordination within the Department of Justice of all matters affecting civil rights.

(e) Consultation with and assistance to other Federal departments and agencies and State and local agencies on matters affecting civil rights.

(f) Research on civil rights matters, and the making of recommendations to the Attorney General as to proposed policies and legislation relating thereto.

(g) Representation of Federal officials in private litigation arising under 42 U.S.C. 2000d or under other statutes pertaining to civil rights.

(h) Administration of sections 3(c) and 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973a(c), 1973c).

(i) Upon request, assisting, as appropriate, the Commission on Civil Rights or other similar Federal bodies in carrying out research and formulating recommendations.

(j) Administration of section 105 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b).

(k) Upon request, certifications under 18 U.S.C. 245.

(l) Enforcement and administration of the Americans with Disabilities Act of 1990, Public Law 101-336.

(m) Community education, enforcement, and investigatory activities under section 102 of the Immigration Reform and Control Act of 1986, as amended.

(n) Upon request, certification under 18 U.S.C. 249, relating to hate crimes.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969]

Editorial Note:

For Federal Register citations affecting § 0.50, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

Part 2. 28 CFR § 0.179 - Scope.

This subpart applies to the following matters:

- (a) Obstruction of justice and obstruction of a criminal investigation (18 U.S.C. 1501-1511);
- (b) Perjury and subornation of perjury (18 U.S.C. 1621, 1622);
- (c) False declarations before a grand jury or court (18 U.S.C. 1623);
- (d) Fraud and false statements in matters within the jurisdiction of a government agency (18 U.S.C. 1001); and
- (e) Conspiracy to defraud the United States (18 U.S.C. 371).

[Order No. 630-75, 40 FR 53390, Nov. 18, 1975]

Part 3. 28 CFR § 0.179a - Enforcement responsibilities.

(a) Matters involving charges of obstruction of justice, perjury, fraud or false statement, as described in § 0.179, shall be under the supervisory jurisdiction of the Division having responsibility for the case or matter in which the alleged obstruction occurred. The Assistant Attorney General in charge of each Division shall have full authority to conduct prosecution of such charges, including authority to appoint special attorneys to present evidence to grand juries.

However, such enforcement shall be preceded by consultation with the Assistant Attorney General in charge of the Criminal Division, to determine the appropriate supervisory jurisdiction. (See 38 CFR 0.55(p).)

(b) In the event the Assistant Attorney General in charge of the Division having responsibility for the case or matter does not wish to assume supervisory jurisdiction he shall refer the matter to the Assistant Attorney General in charge of the Criminal Division for handling by that Division.

[Order No. 630-75, 40 FR 53390, Nov. 18, 1975]

I declare under the penalty of perjury, under the Federal laws, under the laws of the State of California, and under the laws of the State of New Mexico that all foregoing is true and correct. Executed at San Francisco, CA on September 13, 2021.

Respectfully submitted,



s/ Tatyana Drevaleva

Plaintiff Pro Se

September 13, 2021.